

App. No. 10/044,294  
Amendment Dated January 3, 2007  
Reply to Office Action of October 2, 2006

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REMARKS/ARGUMENTS

Claims 1, 40-42 and 44-61 are pending in this application. Claims 1, 40-42 and 44-61 stand rejected. Claims 1, 40, 41, 42 and 61 have been amended to clarify the claimed subject matter. No new matter has been added. In view of the following remarks, reconsideration and allowance of all pending claims are respectfully requested.

**Claim Rejections under 35 U.S.C. §112**

The Office Action rejected claims 42 and 50-60 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse the rejections. With regard to claim 42, the Office Action asserts that the limitation "a third format that is different from the first and the second format" contains new subject matter which was not described in the specification. (Office Action, at page 2). Claim 42 has been amended to recite wherein the peer information is received from a peer device over a local area according to a third format. This amendment is supported in the specification for example, at page 18, lines 10-16. Claim 42 is allowable.

Claims 50-60 depend from amended claim 42 and are allowable for at least the same reasons as amended claim 42.

**Claim Rejections under 35 U.S.C. §103**

The Office Action rejected claims 40-42 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,548,814 ("Lorang"). Claim 40 as amended recites a mobile device comprising a transceiver that is configured to adjust a variable tuning element configured to tune

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the antenna in response to a scheduled message reception. This amendment is supported in the specification for example, at page 6, line 25 to page 7, line 3. Lorang does not teach or otherwise suggest a variable tuning element because Lorang merely teaches fixed antennas with no variable tuning capability. (See, for example, Lorang at Figure 10). Claim 40 is allowable.

Claim 41 as amended recites a mobile device comprising a transceiver that is configured to adjust a variable tuning element configured to tune the antenna in response to a scheduled message reception. This amendment is supported in the specification for example, at page 6, line 25 to page 7, line 3. Lorang does not teach or otherwise suggest a variable tuning element because Lorang merely teaches fixed antennas with no variable tuning capability. (See, for example, Lorang at Figure 10). Claim 41 is allowable.

Claim 42 as amended recites a mobile device comprising a transceiver that is configured to adjust a variable tuning element configured to tune the antenna in response to a scheduled message reception. This amendment is supported in the specification for example, at page 6, line 25 to page 7, line 3. Lorang does not teach or otherwise suggest a variable tuning element because Lorang merely teaches fixed antennas with no variable tuning capability. (See, for example, Lorang at Figure 10). Claim 42 is allowable.

The Office Action rejected claims 1 and 42 under 35 U.S.C. §103(a) as being unpatentable over Lorang in view of U.S. Patent No. 5,903,648 ("Miyake"). Claim 1 as amended recites a mobile device a mobile device comprising a transceiver that is configured to adjust a variable tuning element to tune the antenna assembly in response to a scheduled message reception. This amendment is supported in the specification for example, at page 6, line 25 to

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page 7, line 3. Lorang does not teach or otherwise suggest a variable tuning element because Lorang merely teaches fixed antennas with no variable tuning capability. (See, for example, Lorang at Figure 10). Miyake fails to overcome this deficiency because Miyake is simply directed to a two-way paging system allowing peer-to-peer communication (Miyake, at Abstract). Thus, Lorang in view of Miyake, either singly or in motivated combination, do not teach or suggest the recited limitations. Claim 1 is allowable.

Claim 42 as amended recites a mobile device comprising a transceiver that is configured to adjust a variable tuning element configured to tune the antenna in response to a scheduled message reception. Lorang does not teach or otherwise suggest a variable tuning element because Lorang merely teaches fixed antennas with no variable tuning capability. (See, for example, Lorang at Figure 10). Miyake fails to overcome this deficiency because Miyake is simply directed to a two-way paging system allowing peer-to-peer communication (Miyake, at Abstract). Thus, Lorang in view of Miyake, either singly or in motivated combination, do not teach or suggest the recited limitations. Claim 42 is allowable.

The Office Action rejected claims 44-61 under 35 U.S.C. §103(a) as being unpatentable over Lorang in view of Miyake and further in view of U.S. Patent No. 5,442,647 ("Chadwick"). With regard to claim 44, as stated above with regard to claim 1, Lorang does not teach or otherwise suggest a mobile device comprising a transceiver that is configured to adjust a variable tuning element to tune the antenna assembly in response to a scheduled message reception because Lorang merely teaches fixed antennas with no variable tuning capability. (See, for example, Lorang at Figure 10). Miyake fails to overcome this deficiency because

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Miyake is simply directed to a two-way paging system allowing peer-to-peer communication (Miyake, at Abstract). Chadwick also fails to overcome these deficiencies because Chadwick is addressed only to encoding in a paging system (Chadwick, at Fig. 2). As such, the cited references, either singly or in motivated combination, do not teach or otherwise suggest the limitations of claim 44. Claim 44 is allowable.

With regard to claim 45, the cited references, either singly or in motivated combination, do not teach or otherwise suggest a mobile device a mobile device comprising a transceiver that is configured to adjust a variable tuning element to tune the antenna assembly in response to a scheduled message reception as discussed above. Claim 45 is allowable.

With regard to claim 46, the cited references, either singly or in motivated combination, do not teach or otherwise suggest a mobile device a mobile device comprising a transceiver that is configured to adjust a variable tuning element to tune the antenna assembly in response to a scheduled message reception as discussed above. Claim 46 is allowable.

With regard to claim 47, the cited references, either singly or in motivated combination, do not teach or otherwise suggest a mobile device a mobile device comprising a transceiver that is configured to adjust a variable tuning element to tune the antenna assembly in response to a scheduled message reception as discussed above. Claim 47 is allowable.

With regard to claim 48, the cited references, either singly or in motivated combination, do not teach or otherwise suggest a mobile device a mobile device comprising a transceiver that

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is configured to adjust a variable tuning element to tune the antenna assembly in response to a scheduled message reception as discussed above. Claim 48 is allowable.

With regard to claim 49, the cited references, either singly or in motivated combination, do not teach or otherwise suggest a mobile device comprising a transceiver that is configured to adjust a variable tuning element to tune the antenna assembly in response to a scheduled message reception as discussed above. Claim 49 is allowable.

With regard to claim 50, as stated above with regard to claim 42, Lorang does not teach or otherwise suggest a mobile device comprising a transceiver that is configured to adjust a variable tuning element configured to tune the antenna in response to a scheduled message reception because Lorang merely teaches fixed antennas with no variable tuning capability. (See, for example, Lorang at Figure 10). Miyake fails to overcome this deficiency because Miyake is simply directed to a two-way paging system allowing peer-to-peer communication (Miyake, at Abstract). Chadwick also fails to overcome these deficiencies because Chadwick is addressed only to encoding in a paging system (Chadwick, at Fig. 2). As such, the cited references, either singly or in motivated combination, do not teach or otherwise suggest the limitations of claim 50. Claim 50 is allowable.

With regard to claim 51, the cited references, either singly or in motivated combination, do not teach or otherwise suggest a mobile device comprising a transceiver that is configured to adjust a variable tuning element configured to tune the antenna in response to a scheduled message reception. As discussed above, Claim 51 is allowable.

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With regard to claim 52, the cited references, either singly or in motivated combination, do not teach or otherwise suggest a mobile device comprising a transceiver that is configured to adjust a variable tuning element configured to tune the antenna in response to a scheduled message reception. As discussed above, Claim 52 is allowable.

With regard to claim 53, the cited references, either singly or in motivated combination, do not teach or otherwise suggest a mobile device comprising a transceiver that is configured to adjust a variable tuning element configured to tune the antenna in response to a scheduled message reception. As discussed above, Claim 53 is allowable.

With regard to claim 54, the cited references, either singly or in motivated combination, do not teach or otherwise suggest a mobile device comprising a transceiver that is configured to adjust a variable tuning element configured to tune the antenna in response to a scheduled message reception. As discussed above, Claim 54 is allowable.

With regard to claim 55, the cited references, either singly or in motivated combination, do not teach or otherwise suggest a mobile device comprising a transceiver that is configured to adjust a variable tuning element configured to tune the antenna in response to a scheduled message reception. As discussed above, Claim 55 is allowable.

With regard to claim 56, the cited references, either singly or in motivated combination, do not teach or otherwise suggest a mobile device comprising a transceiver that is configured to adjust a variable tuning element configured to tune the antenna in response to a scheduled message reception. As discussed above, Claim 56 is allowable.

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With regard to claim 57, the cited references, either singly or in motivated combination, do not teach or otherwise suggest a mobile device comprising a transceiver that is configured to adjust a variable tuning element configured to tune the antenna in response to a scheduled message reception. As discussed above, Claim 57 is allowable.

With regard to claim 58, the cited references, either singly or in motivated combination, do not teach or otherwise suggest a mobile device comprising a transceiver that is configured to adjust a variable tuning element configured to tune the antenna in response to a scheduled message reception. As discussed above, Claim 58 is allowable.

With regard to claim 59, the cited references, either singly or in motivated combination, do not teach or otherwise suggest a mobile device comprising a transceiver that is configured to adjust a variable tuning element configured to tune the antenna in response to a scheduled message reception. As discussed above, Claim 59 is allowable.

With regard to claim 60, the cited references, either singly or in motivated combination, do not teach or otherwise suggest a mobile device comprising a transceiver that is configured to adjust a variable tuning element configured to tune the antenna in response to a scheduled message reception. As discussed above, Claim 60 is allowable.

Claim 61 as amended recites the mobile device being configured to adjust a variable tuning element configured to tune the antenna in response to a scheduled message reception. Lorang does not teach or otherwise suggest a variable tuning element because Lorang merely teaches fixed antennas with no variable tuning capability. (See, for example, Lorang at Figure

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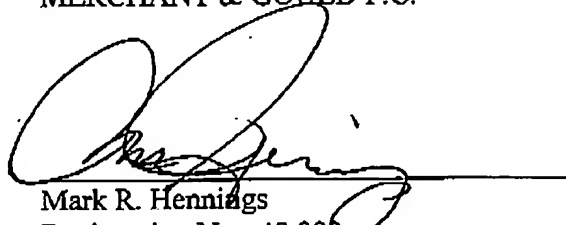
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10). Miyake fails to overcome this deficiency because Miyake is simply directed to a two-way paging system allowing peer-to-peer communication (Miyake, at Abstract). Chadwick also fails to overcome these deficiencies because Chadwick is addressed only to encoding in a paging system (Chadwick, at Fig. 2). As such, the cited references, either singly or in motivated combination, do not teach or otherwise suggest the limitations of claim 61. Claim 61 is allowable.

In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicants at the telephone number provided below.

Respectfully submitted,

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